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ABSTRACT

This report, prepared by a group of private organizations concerned with the problems of race, education, and poverty, is an evaluation of the first months of the administration of the Emergency School Assistance Program (ESAP). The report is based upon personal visits to nearly 300 school districts receiving ESAP grants by attorneys and other persons experienced in school desegregation problems, and upon a review of the grant proposals of over 350 successful applicant districts. Serious defects in the administration of the program were reported: many grants have gone to districts engaging in serious and widespread racial discrimination; funds have been used to support projects which are racist in their conception and which will resegregate black students within integrated schools; and, a substantial portion of the funds have not been used for desegregation emergencies, but rather for general aid to education. It is recommended that before any additional money is spent, mistakes ought to be corrected at least in requiring civil rights compliance by recipient districts. [Not available in hard copy due to the size of the print of the original document.] (Author/JW)

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THE EMERGENCY SCHOOL ASSISTANCE PROGRAM

AN EVALUATION

UD011145

Prepared by:

American Friends Service Committee
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INTRODUCTION AND SUMMARY

The promise of the Emergency School Assistance Program has been broken.

Funds that were appropriated by the Congress last August to help desegregate public schools have been used for general school aid purposes unrelated to desegregation. In many instances, funds have been granted to school districts that are continuing to discriminate against black children.

This report, prepared by a group of private organizations concerned with the problems of race, education and poverty, is an evaluation of the first months of the administration of the Emergency School Assistance Program (ESAP).* The report is based upon personal visits to nearly

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*The organizations involved in the preparation of this report are: American Friends Service Committee, Delta Ministry of the National Council of Churches, Lawyers' Committee for Civil Rights Under Law, Lawyers Constitutional Defense Committee, NAACP Legal Defense and Educational Fund, Inc., and Washington Research Project.

300 school districts receiving ESAP grants by attorneys and by other persons experienced in school desegregation problems, and upon a review of the grant proposals of over 350 successful applicant districts.

We found serious defects in the administration of the program.

1. Large numbers of grants have gone to districts engaging in serious and widespread racial discrimination. Of the 295 ESAP-assisted districts which we visited, 179 were engaged in practices that rendered them ineligible for grants under the statute and the Regulations. In 87 others, we found sufficient evidence to consider the districts' eligibility questionable. In only 29 -- less than 10 percent -- did we find no evidence of illegal practices. Specifically, we found:

-- 94 clear and 18 questionable cases of segregation of classrooms or facilities within schools;

-- 47 clear and 10 questionable cases of segregation or discrimination in transportation;

-- 62 clear and 4 questionable cases in which faculties and staff had not been desegregated in accordance with applicable requirements;

-- 98 clear and 123 questionable cases of discrimination in dismissal or demotion of black teachers or principals;

-- 12 clear and 4 questionable violations of student assignment plans approved by HEW or ordered by the courts;

-- 13 clear and 39 questionable cases of assistance by the grantee school district to private segregated schools.

2. ESAP funds have been used to support projects which are racist in their conception, and projects which will resegregate black students within integrated schools.

3. A substantial portion of the "emergency" desegregation funds have not been used to deal with desegregation emergencies; they have been spent for purposes which can only be characterized as general aid to education. Many of the grants are going to meet ordinary costs of running any school system, such as hiring more teachers and teacher aides,

buying new textbooks and equipment, and repairing buildings -- needs that desegregating districts have in common with school systems throughout the United States.

4. Grants were made to school districts that are not operating under terminal desegregation plans and therefore do not meet the initial condition of eligibility for ESAP funds.

5. In the haste to get some money to as many southern school districts as possible, ESAP money has been dissipated in grants which in many cases are too small to deal comprehensively and effectively with the problems of desegregation.

6. In contrast to the hasty and haphazard way in which grants for school districts have been approved, the significant provision of the ESAP Regulations authorizing community groups to receive grants under the program to lend their assistance to the desegregation process has been virtually ignored -- not a single grant has been made to a community group.

7. In many districts, biracial advisory committees have not been constituted in accordance with the requirements of the Regulations.

8. The funding priorities used by ESAP administrators have been distorted. Only a very small portion of ESAP funds have gone to projects that emphasize student and community programs designed to improve race relations in desegregating districts.

ESAP grants are being distributed to school districts on a quarterly basis. In most cases, only the first of four federal payments has been made. Thus, before any additional money is spent, HEW still has an opportunity to correct in part the mistakes that have been made -- at least to require civil rights compliance by recipient districts -- and to redirect the program toward the ends which Congress intended. We are issuing this report now in the hope that responsible federal officials will take appropriate steps and end the abuses we have found in the program.

CHAPTER I

A DESCRIPTION OF THE EMERGENCY SCHOOL ASSISTANCE PROGRAM

A. LEGISLATIVE HISTORY

On March, 24, 1970 President Nixon issued a comprehensive statement setting forth his Administration's policies on school desegregation. He called for the enactment of a two-year $1.5 billion program, designed in part to assist school districts "in meeting special problems incident to ... desegregation." On May 21, 1970, in a second message, the President noted the large number of school districts in the South scheduled to implement terminal desegregation plans at the start of the 1970-71 school year, and called for immediate appropriation of $150 million to aid these districts in the process of desegregation.[1] In August, Congress responded by granting half of the President's request, appropriating $75 million and thereby establishing the Emergency School Assistance Program.

In the Senate hearings at which the Administration's proposal was considered, concern was expressed that the projects that would be funded were likely to be ineffective, or, worse, harmful to the desegregation process. It was feared that the funds would be used to assist districts engaged in discriminatory practices, that they would duplicate existing school aid programs and that the community would not be involved in the development and implementation of ESAP projects. Some critics argued that the proposal amounted to a political pay-off to the South to assuage the reaction to desegregation requirements, and that there was no "emergency" requiring a precipitate infusion of new federal funds.[2/]

Senator Mondale questioned whether federal "aid to desegregation" might actually be used to support districts engaging in discriminatory practices. He cited a number of practices which had been reported in nominally desegregated southern districts, including segregated classrooms, segregation and discrimination in extracurricular activities, discriminatory treatment of black teachers and principals, pupil segregation through testing and tracking, and aid by public school systems to segregated private schools.

Responding for the Administration, Secretary Finch conceded that these abuses existed, but assured the Committee that:

> "[the Administration would] under no circumstances ... fund districts ... who fire or demote anyone on the basis of race or with segregated classrooms or other basic things that you mentioned." 3/

Secretary Finch also promised that ESAP would be administered as a competitive grant program, with money going only to those districts whose proposals showed specific promise of dealing comprehensively and effectively with the problems of desegregation.4/ This would make more likely the rejection of proposals with little or no relation to problems of desegregation.

In appropriating $75 million for ESAP, Congress placed only three substantive restraints on the program. Two dealt with particular racially discriminatory practices -- aid by school districts to private schools which discriminate on the basis of race in admissions, and the withdrawal of local

and state funds from public schools as a result of desegregation. The third was designed to open up the program to northern school districts and to districts desegregating under the orders of state courts as well as federal courts and state administrative agencies.[5] The balance of ESAP remained to be formulated in the Regulations to be adopted by the Secretary of HEW.

B. ESAP REGULATIONS

1. Preventing Use as General Aid

The overall thrust of the Regulations is to confine ESAP grants to projects meeting "special needs incident to the elimination of racial segregation and discrimination among students and faculty in elementary and secondary schools," and hence to bar the use of the money as general aid to education. The money is to contribute to the cost of "new or expanded activities ... designed to achieve successful desegregation."[6] The Regulations established as the criterion for determining whether and

to what extent a district should be aided under the program, the "relative promise of the project or projects to be assisted in carrying out the purpose of the program" and "the extent to which the proposed project deals comprehensively and effectively" with problems of desegregation. 7/

The portion of the Regulations describing "authorized activities" which can be funded under the program list several which may or may not relate to special problems of desegregation:

-- "providing for individualized instruction, team teaching, nongraded programs, and the employment of master teachers"

-- "upgrading basic skills and instructional methodologies"

-- "providing teacher aides whose employment will help improve instruction in schools affected by desegregation." 8/

The inclusion of these items created the need for rigorous evaluation of grant applications to assure that projects falling within these categories were specifically related to problems of desegregation, so that ESAP money would not be used as general school aid.

2. Prohibiting Grants to Racially Discriminatory Districts

ESAP, like all federal spending programs, is governed by Title VI of the Civil Rights Act of 1964, which prohibits the use of federal funds to assist racially discriminatory programs or activities. In addition, the ESAP Regulations expressly require that applicants give formal assurances that they are not engaging and will not engage in certain specifically enumerated racially discriminatory practices:

First, the past transfer of goods or services to private schools which practice racial discrimination with the purpose of encouraging or supporting such schools, or the future transfer of goods or services to such schools for any purpose;

Second, discrimination on the basis of race in the hiring, firing, promotion or demotion of teachers, principals or other staff who work with students;

Third, the failure to assign teachers and other staff who work with students so that the ratio of minority to nonminority faculty and staff in each school is "substantially the same" as the ratio in the school district as a whole;

Fourth, the use of any devices, "including testing", in the assignment of children to classes or in carrying out other school activities, which discriminate on the basis of race, or which "result in the isolation of minority and non-minority group children."[9/]

In addition, districts may not receive ESAP grants if their state or local funding has been "withdrawn or reduced as a result of desegregation."[10/]

3. Assuring Community Participation

To assure that school boards would not ignore the interests of the community in formulating and administering ESAP projects, the Regulations require biracial community committees and student participation in the program.

Each successful applicant is required to establish a biracial committee, made up half of minority and half of nonminority members. At least half of the members are to be parents of children directly affected by the district's ESAP-funded project. Where a biracial committee of this general character has been established by court order, that committee is to act as the ESAP committee. Where no court-established committee exists, school

officials are to select a group of organizations "which, in the aggregate, are broadly representative of the minority and nonminority communities to be served." Each of these organizations appoints one member to the biracial committee. School officials are then to appoint sufficient additional members to bring the committee to the 50-50 minority-nonminority ratio required, and to assure that at least 50 percent of the members are parents.

School officials must consult with existing court-established advisory committees both on the formulation and the administration of the ESAP-funded program in the district. Where no court-established committee exists, however, the officials need only list the nominating community organizations in their grant application, and are given 30 days after the approval of their grant to assemble the committee. Thereafter, school officials are required to consult with the committee concerning the administration of the project.[11/]

The Regulations further require that with the opening of school, a student advisory committee, half minority and half nonminority, be selected "by the student body" of each secondary school affected by an ESAP project. School officials must consult with the student advisory committee with respect to carrying

out the project and the "establishment of standards, regulations, and requirements regarding student activities and affairs."[12]

4. Authorizing Grants to Private Groups

The Regulations provide for ESAP grants to private nonprofit groups, where such groups propose projects which will assist in the desegregation process. Ten percent of the money appropriated for ESAP is set aside for such grants. Any part of the 10 percent not spent on these grants is to be reallocated to the general program and made available to school officials.[13]

C. ADMINISTRATION OF ESAP

1. Grants to School Districts

The funds for ESAP were appropriated on August 18. The Regulations governing the program had already been prepared, and they were published in the Federal Register on August 22. The Commissioner of Education was vested with responsibility for the administration of the program, and he delegated this responsibility to the Office of Education's Division of Equal Educational Opportunity (the Title IV office).[14] Grant application

forms had also been prepared, and they were distributed and explained to school superintendents in hastily arranged statewide meetings in each of the southern states, the earliest of which was held on August 20. At these meetings, great stress was placed on the speed with which applications would be processed; school officials were told to go home for a day or two, decide what their needs were, and then reassemble at workshops manned by Title IV personnel, at which time they and the federal officials would jointly fill in the details of the grant applications.[15]

In the days following, teams of Title IV experts helped hundreds of school officials through the necessary paperwork and the grant applications started pouring in. The first grant, $1.3 million to Jackson, Mississippi, was announced on August 28. By October 2, 488 grants had been awarded, totalling over $26 million. By October 30, 722 grants were committed, obligating over $47 million.

This large number of grants within such a short period of time was possible only because the Title IV regional offices were placed under a "36 hour turn-around" requirement in processing formal applications -- that is, an application had to be

approved (or disapproved) within 36 hours after it was received in the regional office.

Because of this extraordinary time pressure, grant applications received little or no substantive evaluation. Within days after the process started, the concept of a competitive program of aiding selected districts according to the promise of the proposals to deal comprehensively and effectively with desegregation problems -- the criteria mandated by the Regulations -- had been largely abandoned. In some cases, districts were being quoted "ballpark figures" approximating the grants they might receive, based upon such mathematical factors as the size of the districts' budgets, the number of minority students, and the number of students reassigned under their desegregation plans. The substance of the districts' proposals -- their relationship to problems of desegregation or lack thereof -- played little role in the calculation.

Similarly, civil rights compliance review was made almost impossible by the demand for speedy and widespread distribution of money. Early in the process, the Civil Rights Division of HEW's Office of the General Counsel called individuals familiar with school desegregation problems, such as the field representatives

of the American Friends Service Committee, to determine if there were reports of violations of Title VI or of the ESAP Regulations in the applicant districts. But this practice was soon abandoned, apparently because it caused too much "delay" in processing applications. The civil rights compliance "check" was thereafter reportedly limited to a review of HEW files to determine whether there were any outstanding civil rights complaints against the applicant district. If there were none, the district was assumed to be in compliance. The importance of civil rights compliance was thus seriously downgraded.

2. The Neglect of Private Groups

In many school districts, there are community organizations which for many years have fought for school desegregation while school officials fought against it. These groups have shown a commitment to desegregation and have developed expertise in the field. Black community organizations can help black students adjust to desegregation, and bring home a black viewpoint to white parents, students and teachers who may have had little prior contact with black people as equals. Private biracial human relations groups have useful experience in running programs designed to promote interracial communication and

understanding. It was to assist these organizations, that part of the ESAP money was reserved for grants to such private groups. But, in sharp contrast to the public grant side of ESAP, the program of grants to private nonprofit groups has been characterized by stagnation and delay. At the outset, this program was severed from the main ESAP grant machinery, because high-level Title IV officials opposed the concept of ESAP grants to private groups.[16] The private groups grant program was temporarily turned over to the Center for Community Planning in the Office of the Secretary of HEW, a body with little previous experience either in distributing federal grants or in dealing with problems of school desegregation.

Grant applications for public ESAP projects were already available when the program became law on August 18, and within days these applications were being distributed and explained to school officials. By contrast, the government did not even inform leaders of private groups active in school desegregation of the availability of ESAP. When some of these groups learned of the program and sought help in taking advantage of it, they were told that the Title IV meetings were primarily for school officials; that they were free to attend but could expect neither

information about their aspect of the program nor assistance in formulating proposals.

Application forms for private groups were not available until October, when meetings were finally held in Atlanta and Dallas to acquaint selected community leaders with the program. By this time, administration of the private groups aid program had been transferred to a special agency established within the Office of Education for this purpose. By the middle of November, not a single grant to private groups had been made. As a result, the important contribution which these groups might have made in the crucial opening months of school in newly integrated districts has been lost.

CHAPTER II

THE EXPENDITURE OF ESAP FUNDS

In connection with this study, the Department of Health, Eduation and Welfare was asked to make available the applications from school districts to which grants had been made under ESAP. In response, 368 approved applications from school districts in 13 states were provided. These represent slightly more than 50 percent of the applications approved by October 30, and 43 percent of the funds obligated by that date.

A review of these applications reveals that ESAP grants have been made to school districts that are ineligible under the Regulations. Other ESAP grants have funded projects that are racist in their conception, or that may lead to resegregation. The primary use for which ESAP funds have been approved has been general school aid unrelated to the "special needs", occasioned by the desegregation process. Moreover, ESAP funds have been awarded in a manner which relegates vital community and student programs to a minor role. Finally, funds have been distributed in small grants among many districts, and the

priority that the Regulations establish for comprehensive projects has been ignored. In each of these respects, the purposes of the program have been badly distorted.

A. GRANTS TO INELIGIBLE DISTRICTS

The ESAP Regulations establish certain preconditions to eligibility for an ESAP grant. Among these are the requirement that the school district be desegregating under a plan calling for the complete elimination of the dual system and approved by a federal district court or by HEW, and the requirement that the grant application, at the very least, list the community organizations which have been selected by the school board to nominate the members of the biracial advisory committee.[1/] Our review of ESAP approved applications has revealed that school districts have been funded despite their noncompliance with these explicit requirements.

1. Grants to Districts without Approved Desegregation Plans

Northhampton County, Virginia does not have an approved plan -- indeed federal financial assistance to that district was terminated under Title VI on September 13, 1968 because of its refusal to adopt an acceptable plan. Nevertheless, it is receiving a $28,000 grant. Stewart County, Georgia is still

operating under an obsolete freedom of choice plan dating from before 1968, yet it is receiving a $40,000 grant in violation of the requirement that ESAP applicants be operating under terminal plans effective in the 1968-69 school year or thereafter.

The Metropolitan Public Schools of Davidson County (Nashville), Tennessee was granted $565,400 in ESAP funds. Nashville has submitted a plan for faculty and student desegregation to the federal district court. But while the court approved the faculty plan, it reserved judgment on the student plan until the Supreme Court decides on the school cases now pending before it. Thus Nashville does not have the terminal desegregation plan required by the Regulations.

2. Grants to Districts Out of Compliance with the Advisory Committee Requirement

A number of districts are receiving ESAP grants although they have not followed the Regulations requiring the establishment of a biracial advisory committee. Some make no mention at all of such a committee, although the Regulations specify that a list of the community organizations selected to nominate the members of the committee must accompany each application. Among these districts are Newport and Prescott County, Arkansas, and St. Clair County, Alabama.

The Regulations specify that each applicant district is to name between five and fifteen organizations, "which in the aggregate are broadly representative of the minority and nonminority communities to be served." These organizations are each to name a member to the committee. Only then are school officials authorized to select additional committee members, and then only to the extent necessary to achieve the required ratio of minority and parent members.[2/] Many successful applicants appear to have violated these provisions in forming their biracial committees.

In Camden County, Georgia, the seven members of the biracial committee were selected by the school board "according to contact with the people and interest in the progress of the Camden County community." In Butts County, Georgia, the eight members of the committee were "selected by the school administration with the intent to obtain a cross-section of the community ...".

In Russell County, Alabama the temporary committee members were "selected from among community leaders known to be cooperative in matters pertaining to education." The purpose of the Regulation requiring selection by community organizations and not by the school board is precisely to avoid a committee made up of persons whom school boards, which have long opposed desegregation, consider to be "cooperative."

Even in those districts which did choose organizations to select members of the biracial committee, there are serious questions whether the organizations chosen encompass

a broad range of community opinion. For example, Cleveland, Tennessee is receiving an ESAP grant to hire a black person with expertise in guidance and counseling "to give the image of a black person working in a responsible position" in the school system. This project was proposed in response to pressure from the local branch of the NAACP, which organized a two-day boycott of the schools. In its ESAP application, the school district lists five organizations which will select members of the biracial advisory committee. The Cleveland NAACP branch is not among them.

B. ESAP FUNDING OF RACIST PROJECTS

ESAP funds have been approved for the support of a variety of programs which are racist in their conception, and which are likely to exacerbate the level of racial tension.

1. Character and Hygiene of Black Students

Andalusia, Alabama proposed a "community program" to deal with the "morals, conduct, health and personal standards of black students and the home environment of black students ..." According to the application, "the houses and neighborhoods [of black children] are generally unattractive. Little effort is made to make the surroundings attractive

with flowers, pictures or furnishings ...." The grant will pay for visits by teachers to the home of each black child.

Similarly, Lake County, Tennessee defined its emergency as the general character of black children. According to the district's application, black children "show poor self concepts ... use dirty, vulgar language ... show poor oral hygiene and health habits ... (poor bathroom habits) ... display poor eating habits and table manners." ESAP money was granted to hire a physical education director whose job is to deal in some undefined way with the board's concept of the "character" of their black students.

Lee County, Georgia received an ESAP grant to provide bathing facilities for black children. The application asserted that because the homes from which these students come are without "modern bathing facilities, cleanliness, good health and sanitary conditions in the school demand" the provision of these services.

Madison County, Mississippi described its most "pressing problem brought about by court ordered desegregation" as the "sanitation and personal hygiene" of its students. "For students to accept close association with the opposite race, a very close watch must be kept on the cleanliness of all aspects of the operation of the school. This is

especially true with females." ESAP money was granted to hire a female hygienist for each of its four schools.

Caswell County, North Carolina emphasized the concern of parents that "a child would be assigned to an ill-kept drab environment; given dirty books and forced into class association with dirty peers." It defined its emergency as "a wide variety of family values and standards of living, from the child who sleeps in the same underwear he wears to school for a week without change and emits odors offensive to those in proximity, to the child who comes to school each day freshly bathed and groomed." Its $95,000 grant will be used for programs "facilitating desegregation through upgrading total individual and group health: physical, emotional, mental and social."

2. Resegregation

Some projects, by their design, suggest a new effort on the part of local school officials to resegregate students within the "integrated" schools, with the direct assistance of the federal government.

Douglas County, Georgia received an ESAP grant to purchase two vans for the purpose of transporting black students from the junior high schools to cooperating businesses,

industries and service centers "so that learning experience would more nearly meet the individual needs of the black students." Thus ESAP money is funding a project that is based on the assumption that only black students need vocational as opposed to academic training -- and which removes black students from the newly integrated school.

According to the application filed by Wichita Falls, Texas, it is necessary, because of a shortage of school buses, to keep 476 black elementary students at a "closed" school for the first hour of the school day. There are too few buses to transport all the white students according to a regular schedule. After the other students are transported, the buses come for the 476 and take them to several "integrated" elementary schools. ESAP money was granted to employ teachers and aides to teach these students for the first hour and then to move and stay with them for the rest of the day, thus effectively assuring that they remain in separately identifiable racial groups.

3. Other Racist Projects

Greenville, Mississippi traces its emergency to the "politics of confrontation and antithesis strategies (sic) applied by inauthentic critics skilled in the use of negative

propaganda and disruptive procedures." To meet this crisis, Greenville was granted $30,580 to fund "some form of competent supervision and/or surveillance under the direction of legally constituted authority."

At least one district applied for and received an ESAP grant to pay the salary of a former black principal who was demoted when the school was desegregated. Humboldt, Tennessee is receiving $10,000 to pay the salary of the "black associate principal [who] can work closely with the black students as well as the whites." He was formerly principal of a black school in the district.

C. GENERAL AID TO EDUCATION

A substantial number of successful applicants sought ESAP funds to supplement their general education budgets by paying for more teachers, more janitors, more equipment and more supplies. While these expenditures may be worthwhile, they represent needs shared by all school systems, whether or not they are engaged in the process of desegregation. In some cases, the proposals did not even attempt to link the money to desegregation. In many others, the nature of the projects funded indicates that no more than lip service was paid to the requirement, explicitly set forth in the Regulations, that ESAP projects be designed to meet the special costs of desegregation.

1. Teacher Aides and Teacher Training

Of the applications we have reviewed, more ESAP money went for teacher aides and teacher training than for any other single purpose. Frequently, no effort was made to tie the need for the aides to desegregation.

For example, Charlotte County, Virginia is receiving $11,100 to hire four aides so that the school libraries can be kept open during the entire school day.

Nassau County, Florida is receiving $25,000 to help in the district's "effort to improve our school system" by providing teacher aides and additional clerical personnel because "first grade teachers are required to do too much clerical duties" and "librarians offer little help to students, teachers and administrators."

Greenville, North Carolina is receiving $41,700 to employ 12 teacher aides to reduce time pressures on the regular teachers. This need was explained in terms of a recent defeat of a referendum to increase local financial support for the schools, which, together with the demand for higher salaries, had "necessitated a reduction in the number of locally paid personnel."

Laurel, Mississippi will spend $14,476 out of a $50,000 grant to train teachers in the use of certain unspecified equipment. Amite County, Mississippi is receiving $10,200 in ESAP funds to pay overtime stipends to the professional staff for their attendance at training programs designed to increase teaching efficiency through the explanation of "recent innovative techniques and methods ..."

2. Textbooks and Physical Equipment

Millions of dollars of ESAP money have been allocated to the purchase of new classroom materials, including textbooks, and for the purchase of such items as playground equipment, softballs, ping-pong tables, intercom systems, "35 individual air-conditioning units in teacher stations," film strips, projectors, tape recorders, television sets and shower facilities. Many systems will use all or substantially all of their ESAP funds for expenditures of this kind.3/

LaMarque, Texas will use half of its $30,941 ESAP grant to complete a television project at the high school. The school district had planned a central television studio and a closed circuit system connecting every classroom. But "due to lack of funds," the program was not completed. ESAP

will now provide the money to finish wiring the classrooms, to buy movies and a tape recorder, and to pay the part-time salary of a person associated with the television program.

Wilson County, North Carolina will use part of its ESAP money to buy playground equipment, which was not available at any of the schools in the past, so that children can "work and play together successfully."

Sampson County, North Carolina will spend $21,000 in ESAP funds for equipment, including manual and electric typewriters, washers and dryers, steam irons and ironing boards, projectors, duplicators, microscopes, vacuum cleaners, a table, a lamp, two upholstered chairs, a commercial refrigerator and oven, piano casters, an automatic blanket cleaner attachment, and a kitchen sink.

Charleston County, South Carolina will use its $441,218 grant to establish a television studio -- to equip it, air condition it, staff it and maintain it. Flagler County, Florida will use its entire $15,000 grant to renovate its physical education dressing room and shower facilities. The application states that "lack of a proper climate control system with an attending high humidity has brought about an understandable dissatisfaction on the part of both students and physical education teachers." The money will be used

for the installation of an air and climate control system and for addition of more showers and toilets.

While many districts receiving money for general aid did not refer to desegregation, others made contrived attempts to link their general aid requests to the purposes of ESAP. For instance, Berrien County, Georgia sought and was granted money to purchase electric fans on the grounds that "a closed classroom in a South Georgia climate can be unbearably hot without [a] cooling system." The fans "should make students of all races more at ease in the classroom...."

3. Curriculum Revisions

Several districts have received grants for curriculum revision, with no effort to relate their proposals to problems incident to desegregation. Jackson, Mississippi, which was awarded the first and one of the largest ESAP grants, $1.3 million, is a case in point.

The Jackson application defines its emergency not as making desegregation work, but as saving the city from the effects of it. The application states:

> "This change [court ordered desegregation] has created a crisis in the city. There are indications that unless rapid and dramatic improvement in the quality of education can be demonstrated

> ...the City will suffer economically and socially....Ways must be found immediately to redevelop the public schools so that they will merit and attract the confidence and support of all citizens in Jackson, Mississippi. There is evidence to indicate that unless this is done, educationally, socially and economically, Jackson will not grow but will be eroded by conditions that exist."

Over one-half of the 1.3 million dollars granted to Jackson was authorized for a general curriculum revision program which is simply designed to upgrade the quality of teaching in the school system.

Pinellas County, Florida proposes to use its entire $125,439 ESAP grant on "Project Read", a program designed "to dramatically increase the reading abilities of 3800 students" in the system. Referring to the success of this same program in Detroit, New York, and San Francisco, the application states:

> "The inadequacy of conventional reading instruction in this county's large urban communities is a well established fact....The typical student in the large urban school system is not learning to read adequately."

D. THE MINOR ROLE OF COMMUNITY AND STUDENT PROGRAMS

In connection with congressional consideration of the

Administration's school desegregation aid proposals and the development of the ESAP program, civil rights advocates experienced in the desegregation process strongly urged that the highest priority under any desegregation aid program be accorded to community and student projects, which would disseminate information about desegregation plans, bring students, teachers and parents together to discuss desegregation problems, and establish mechanisms through which students could resolve potentially volatile issues arising out of the desegregation process. HEW officials gave their assurances that projects of this kind would in fact be emphasized in the administration of the ESAP program.

The events of the past few months strongly corroborate the need for student and community programs to alleviate tensions associated with school integration. Almost daily, there have been press reports of racial incidents in desegregated schools.

In fact however, only a small number of districts received funds for programs involving student or community activities aimed at alleviating these kinds of problems. Of the 368 districts we reviewed, only 97 had community programs funded. In Georgia, for example, only 13 of 113 approved applications we reviewed included community programs. Only

1.7 percent of the money spent in Georgia was directed toward such programs.

Student programs received even less emphasis, with only 60 of the 368 districts receiving funds for programs of this kind. The student programs, in their entirety, accounted for less than two percent of all ESAP money allocated in the districts we reviewed. Many districts with very large grants and ostensibly comprehensive programs, such as Jackson, Mississippi; Nashville, Tennessee; Charleston, South Carolina; and Dougherty County, Georgia requested nothing for student programs.

E. FAILURE TO FUND COMPREHENSIVE PROJECTS

ESAP has been administered on the principle that grants should be made to a large number of districts as quickly as possible. In implementing this principle, the Title IV Office has abandoned the mandate of the Regulations, under which the decision whether and to what extent a district should be funded was to have been based on the promise the district's proposal showed of dealing comprehensively and effectively with special problems of desegregation.

The approved applications we reviewed supply evidence

that the competitive approach was not followed. First, some proposals which did include a comprehensive treatment of desegregation, including student and community projects, were severely cut, apparently because the districts were not large enough to warrant grants of the size needed. On the other hand, a large number of very small grants were made -- grants too small to deal comprehensively with the problems in the district.

For example, Beggs, Oklahoma proposed a series of biracial workshops for parents to discuss and attempt to resolve personal or emotional problems that may be occasioned by the integration of the schools. The $85,570 requested was reduced to $12,672, and the district abandoned its parent workshop program in favor of hiring a counselor and buying some instructional supplies.

Okmulgee, Oklahoma developed a $250,000 plan which included financial assistance to a biracial human relations committee and a home visitation program. Almost 80 percent of the request was denied, and the district struck from its proposal everything but teacher aides and a school bus.

Demopolis, Alabama applied for $177,754 to institute a comprehensive plan which included a community liason staff, special pupil personnel services, teacher preparation pro-

grams, and student tutorial programs. The school district was granted only $27,664. Of this amount, $17,214 was allowed for an administrator with supporting clerical help, travel expenses and supplies, to "effectively administer the program" -- a program which had been almost totally eliminated by the Office of Education.

By October 30, a total of 88 school districts had been awarded ESAP grants of less than $10,000 including several of less than $2000. For example, Maury, Tennessee, with a request for $16,500 was awarded $1500 which paid part of the cost of one bus. Hawkinsville, Georgia requested $64,000 but was granted only $5000, which will be used to purchase supplies for industrial arts and vocational education classes. Numerous comparable examples could be cited. An unfortunate result of this approach is that there will be few, if any, models of the use of special federal funds to deal comprehensively with desegregation problems. Such models could have provided valuable lessons concerning the validity of the basic assumption of the Emergency School Assistance Program.

F. CONCLUSION

The grant-making process under ESAP apparently operated on the assumption that a general financial emergency existed in desegregating school districts, an emergency which could best be met by the distribution of some federal money to as many of these districts as could be reached in the shortest

possible time. The administrators left it largely to school officials to define the nature of the desegregation emergencies in their districts; little in the way of direction or evaluation was provided by the Office of Education.

This administrative policy produced predictable results. In some instances, the projects funded were based on racist assumptions -- that black children have special defects of character, that they are specially suited to training for menial jobs, that they have poor hygiene. Districts not even engaged in terminal desegregation were funded. The community participation provisions of the Regulations were weakly enforced. Most noticeably, large amounts of federal "desegregation money" was spent on projects which had little or nothing to do with desegregation. School officials asked for, and were given, more of the same -- more hardware, more textbooks, more school supplies and more teachers and teacher aides.

The funding of racist projects and clearly ineligible districts could be remedied by minimal care in processing and evaluating grant applications, but the general demand for money for projects largely unrelated to desegregation might suggest that the whole program was ill-founded, that there never was any desegregation "emergency" requiring federal financial assistance. We do not believe this to be

the case. Racial tension is high in many desegregating districts, and the mixing of black and white students in school buildings has often failed to produce a genuine integrated educational experience.

What is needed is precisely what many community leaders recommended to congressional committees and HEW officials last summer -- human programs, designed to involve the students and the community directly in the process of working out the problems of desegregation in the schools. By and large, these are not the kinds of programs school officials will spontaneously propose when federal money is made available. School administrators in the South, just as in the rest of the country, traditionally oppose the active involvement of parents, students and community people in the running of the schools.

One solution is to establish student and community projects as a high priority in grant programs like ESAP, and then to <u>enforce</u> that priority -- if necessary, by rejecting nine-tenths of the grant proposals presented. A second solution is to take seriously the notion of funding programs developed and administered by community groups.

CHAPTER III

CIVIL RIGHTS COMPLIANCE IN DISTRICTS RECEIVING ESAP GRANTS

A. INTRODUCTION

Our monitors visited 467 southern school districts which were desegregating their systems this fall under HEW or court-ordered plans, and compiled reports describing the extent to which each district was following its desegregation plan, the extent to which racially discriminatory practices persisted in the schools after integration, and other data relevant to an evaluation of the desegregation process.[1/] Of the monitored districts, 295 had received ESAP grants by October 30 of this year. In this chapter we summarize our monitors' findings from those 295 districts of practices which, under the terms of the ESAP Regulations or under the government's own interpretation of Title VI of the 1964 Civil Rights Act, render them ineligible for ESAP grants. Our report is not a comprehensive

description of racially discriminatory practices in districts receiving ESAP grants. We have confined ourselves to noting practices clearly illegal under the standards the government purports to apply.[2]

Our findings about these districts are startling. In 179 of the 295 districts monitored, we found clear evidence of practices which should render the districts ineligible. In 87 districts, indications of illegal practices were found which raised serious questions about their eligibility. In only 29 districts -- less than 10 percent -- did we find no such evidence.

B. THE RESULTS

1. Segregation and Discrimination in Pupil Assignment

In 12 districts with ESAP grants, our monitors found clear evidence that the student assignment plan ordered by the court or approved by HEW had not been followed. In another four districts, we found evidence of desegregation plan violations sufficient to warrant further investigation.[3] The most common form of plan violation occurred

where geographic zoning plans resulted in both majority black schools and majority white schools in the same district. White students in the majority black schools have been allowed to transfer out of these "neighborhood" schools, often with transportation provided at public expense, resulting in resegregation. In other instances, formerly black schools closed under desegregation plans have been reopened and the students who formerly attended them have been allowed to transfer back -- a version of freedom of choice which results in resegregation, since whites never choose to attend these schools and none are assigned to them. As examples of this kind of violation:

-- in McCormick, South Carolina, recipient of a $47,696 ESAP grant, whites have been allowed to transfer out of two formerly black elementary schools, thus completely resegregating those schools.

-- in Demopolis, Alabama, recipient of $27,664, white students assigned to formerly black elementary schools were allowed to attend white schools outside their zones, and to ride the school buses to

school. The school officials have informed the parents of these students that they are violating the court order, but they have stated that students may continue to attend the schools of their choice until they are removed "by action initiated and implemented by the Federal Courts."

-- in St. Johns County, Florida, recipient of a grant of $40,725, the same pattern is followed of allowing white students to transfer from majority black to majority white schools, with bus transportation provided at public expense. Ironically, a strong desegregation plan originally proposed for St. Johns County was rejected because it required too much busing.

-- in Vance County, North Carolina, recipient of $86,953, a formerly white school became 75 percent black. Three weeks after school opened, a formerly black school closed by the plan was reopened, and blacks were allowed to transfer to it. A closed school, formerly white, was also reopened and white students transfered to it.

2. Segregation Within Integrated Schools

Our monitors found 94 districts receiving ESAP grants which clearly engaged in illegal segregation of classrooms or facilities within schools. In another 18 districts, there are strong indications of such practices. The most widespread form of in-school segregation is the assignment of black and white children into separate classrooms. In many cases, this separation is carried out explicitly on the basis of race. Thus:

-- in South Pike, Mississippi, recipient of a $21,300 ESAP grant, both black and white children are in grades 7-12 at the former Eva Gordon School. However, the classrooms in those grades are, with few exceptions, either all-black or all-white.

-- in Pelham, Georgia, recipient of a $15,500 ESAP grant, the "special education" class is divided so that the white girls are in one room, and the white boys and all the black students are in another. In other instances, when their parents

complained white children were allowed to transfer from integrated classes to all-white classes taught by white teachers.

-- in Troy, Alabama, recipient of a $28,300 ESAP grant, the court ordered the formerly black and formerly white high schools merged. The school district "complied" by renaming the black school Henderson High School, South Campus (Henderson is the name of the white school), firing the black principal and replacing him with a white, and leaving the black students there. Indeed, fewer black students now attend the white high school than did previously under freedom of choice.

In most instances, however, classroom segregation has been achieved through testing children and separating them into different "tracks" in different classrooms. Generally the upper tracks are all-white or nearly all-white, while the lower tracks are nearly all-black; typically, black teachers are assigned to the lower tracks and white teachers to the upper tracks. There can be no

question about the illegality of ESAP grants to districts engaging in this common practice, for the Regulations explicitly bar all practices "including testing" which "result in" the isolation of black or white children.[4/]

-- Troy, Alabama, already mentioned, provides a classic illustration of tracking. Troy Junior High, grades 5-8, is almost totally racially segregated between class sections, through the use of a new highly structured track system, not used before desegregation, which divides students into Advanced Academic, Vocational, and Special Education tracks. Other examples from the dozens of cases of segregation through testing are:

-- McCormick, South Carolina, mentioned above, introduced extensive testing last spring, with the testing reportedly paid for by federal Title I funds. As a result, one of the newly integrated elementary schools contains eight totally black classrooms. No black teachers are teaching white students. It is reported

that at the beginning of the year, there were "Negro only" signs on some classroom doors, and black teachers were given class roll books labeled "all-Negro." The district's ESAP grant is for a classroom for "special education," i.e., a lower track class likely to be all-black.

-- England, Arkansas, recipient of an $18,100 ESAP grant, also introduced a new testing program last year on the eve of integration and, as a result, now has virtually all-black lower track classes to which most of the black teachers have been assigned.

-- Union City, Tennessee, recipient of a $12,500 ESAP grant, tested students into fast, middle and slow tracks. Only one black student in the whole system is in the fast track, and several slow track classes have only one white student each.

Another device used to accomplish segregated education within a school is double sessions. Thus in

Seminole County, Florida, with a grant of $80,000 the plan called for a desegregated high school. However, officials arranged double sessions according to where students live, so that one shift is disproportionately white and the other disproportionately black.

In other districts, while black and white children sit in the same classroom, they are assigned seats according to race. Among these districts are Plum Bayou, Arkansas, recipient of a $16,300 ESAP grant, and Jones County, Mississippi, $35,500. In Carthage, Texas, recipient of $47,400, white and black students are separated within a classroom by blackboards placed down the middle of the room.

In a few schools, segregation is maintained outside the classroom. Thus in Fitzgerald, Georgia, recipient of $19,090 in ESAP money, black and white girls in at least one physical education class are assigned to separate showers. Similarly in Jefferson, Texas, a $33,500 ESAP recipient, junior high school students dress for physical education class in racially segregated dressing rooms. Alexander City, Alabama, $33,824, has

segregated it's recreation areas in two separate and unequal facilities at different schools.

3. Segregated Transportation

Our monitors found 47 clear and 10 questionable instances of segregated or discriminatory school bus operations in ESAP-assisted districts. This total does not include instances in which residential segregation produced all-black or all-white buses.

The most common phenomenon is simply duplicate bus routes in which buses driven by black and white drivers follow the same route, picking up black and white students respectively. Among the numerous ESAP-assisted districts following this practice are Eudora, Arkansas, $20,431, and Monroe County, Alabama, $100,268. In Monroe County, Georgia, recipient of $35,220 in ESAP money, the superintendent admitted the buses are segregated and said this is done because bus drivers are not qualified to handle difficulties which might arise on integrated buses. In other districts, for example, Calhoun County, Georgia, recipient of $24,400 ESAP grant, the classic Jim Crow

pattern of segregated seating is followed.

4. Racially Identifiable Faculties

The ESAP Regulations require an assurance from each applicant that it will so assign its faculty and other staff who work with students that the ratio of black to white faculty and staff in each school will be substantially the same in each school in the system.[5] This rule is generally applied in school desegregation cases by courts in the Fourth and Fifth Circuits, which cover most of the Deep South; it has been approved by the Supreme Court; and it was adopted by President Nixon as policy for his Administration in his March 24, 1970 statement on school desegregation.[6]

Our monitors found at least 62 school districts in which the percentage of black faculty varied in excess of 15 percent from one school to another. White teachers tend to be assigned to majority white schools, formerly white schools, and higher grade level schools in greater numbers. Examples are highly repetitive, but a few representative cases a e:

-- Nansemond County, Virginia, with an $80,400 ESAP grant, has a 58 percent white faculty at the majority white high school, a 63 percent black faculty at the black high school, and an 86 percent black faculty at a majority black elementary school.

-- Decatur County, Georgia, with an $80,000 grant, has three schools with all-black student bodies under its court order; these schools' faculties are 70, 73 and 100 percent black respectively, while the remaining nine majority white schools all have majority white faculties.

-- West Orange-Cove, Texas, with a grant of $49,080, has an overall black faculty ratio of 18 percent, but only three of 13 schools are close to that ratio. Five have no black teachers at all; in one, over half the teachers are black, and two have 40 percent black faculties.

5. Discrimination Against Black Teachers and Staff

The ESAP Regulations clearly prohibit racial discrimination in the hiring, firing, promotion or demotion of teachers, principals and other school staff who work with students.[7] Our monitors found that black teachers, principals, coaches and other staff are being fired or demoted in massive numbers in districts implementing desegregation plans. Especially in smaller districts, desegregation often means that fewer schools are operated; this invariably means that there are fewer principals and head coach positions, and it often means a general reduction of faculty size as well. Typically, where a black and white school have been merged, the black principal becomes the white principal's assistant in the integrated school, often with few or only menial responsibilities; the black coaches become assistant coaches; and if teachers are released, they are mostly black teachers.

In analyzing our monitors' reports, we have counted as clear instances of discrimination only cases in which blacks were demoted to serve under whites with lesser qualifications, or in which such disproportionately large

numbers of blacks were demoted or dismissed as to indicate a pattern of discrimination. In other cases, where our monitors could not obtain evidence of the qualifications of those dismissed or demoted, and where only a few individuals were affected, we have listed the district as "questionable."

Applying these criteria, we found 98 ESAP districts with clear violations, and 123 districts with questionable cases of dismissals or demotions of black teachers -- a total of 221 out of the 295 ESAP districts monitored. We believe that even these remarkable figures understate the extent of the problem of discrimination against black teachers and staff, because our monitors did not systematically gather data on discrimination in the hiring of blacks. However, informal reports we have received indicate that discrimination in hiring is also widespread.

A few representative examples of discriminatory dismissal or demotion are:

-- in Gadsden County, Florida, recipient of a grant of $133,300, most of the untenured black teachers

were dropped. Many new white and no new black teachers were hired. A black elementary school principal was demoted to assistant principal of an integrated school under a white with no previous experience as a principal.

-- in Miller County, Georgia, recipient of a grant of $11,000, a black man with 22 years experience as a principal in a black high school, a masters degree in administration, and post-graduate work in guidance and counseling has been made "co-principal" of an integrated high school, where his chief functions are to hand out free lunch passes and patrol the halls. A white with lesser credentials has been appointed principal. The white had been a principal before but had returned to classroom teaching a few years ago, when a few black students came to the white school under freedom of choice, reportedly because he was opposed to integration. In the same district, the black coach and band director were both demoted.

-- in Sumter County, Georgia, $30,350 grant, both black band teachers were fired. The black principal, with 12 years experience in his job, was made "administrative assistant to the superintendent," with an office in the jailhouse unit of the courthouse. His wife, formerly curriculum director at the black high school, shares his new office with him. Their duties are limited to "visiting" the schools in the district.

-- in Horry County, South Carolina, $180,145 grant, one black principal was made director of vocational education, six were made assistant principals, and two were made classroom teachers.

-- in Choctaw County, Alabama, $69,916 grant, the contracts of 19 black teachers were not renewed, and the two black band directors and all three black coaches were demoted and their salaries were reduced.

-- in Shelbyville, Texas, $17,200 grant, some of the black teachers assigned to formerly white schools

were made assistants to white teachers, and were not given their own homerooms. One of the black principals was retired and the other was made a classroom teacher.

6. Aid to Segregation Academies

In recent years, large numbers of all-white private schools, many of them small, underfinanced and with inadequate facilities, have been established in the South as alternatives to desegregated public schools. To deal with the problem of aid and support to these "segregation academies" from public school systems, the ESAP Regulations require each applicant to give assurances that it has not transfered goods or services to any private school which "practices discrimination on the basis of race" with the purpose of encouraging or supporting the private school as an alternative for desegregated public schools. The Regulations further require that ESAP-assisted districts will not in the future transfer goods or services for any purpose to private schools which discriminate on the basis of race.[8]

Our monitors had difficulty obtaining information about "segregation academies" generally, and about public school assistance to them in particular. In many cases these facts are known at first hand only by people with strong motivations to conceal them. Nevertheless, we found 13 clear cases of financial support of private schools by public school systems and 39 cases in which there are indications of such support. Aid generally took the form of sale of public school buildings for less than value, and the loan or gift of textbooks, school equipment, buses, or bus service.

It was still more difficult to determine whether the schools practiced discrimination on the basis of race in the narrow sense that they would refuse admission to a qualified black applicant who was able to pay the tuition. Few black parents in the South can afford private school tuition, and even fewer would wish to send their children to schools of the "segregation academy" type. However, the Internal Revenue Service recently ruled that in order to receive or maintain tax exempt status, private schools must publish in a local newspaper a statement of open admissions policy. Our monitors generally asked whether

such a statement had been published by the private schools in the districts they visited. With respect to 11 of the 13, it was reported that no such statement had been published. The monitors could not obtain the information on the other two.

We take the position, however, that in determining whether a private school is "discriminating" within the meaning of the Regulations, it is irrelevant whether a private school has a formal "open admissions" policy. In our view, the Regulations forbid grants to public school systems which give aid or support to private schools established with the purpose, and having the effect, of providing alternative schooling for whites attempting to avoid the impact of a constitutionally required plan of school desegregation. As a rough indicator of whether a private school falls within this category, we have examined the date of its establishment and the makeup of its student body. If the school was established at about the time public school desegregation came to its area, and its student body is all-white, we have identified it as a "segregation academy."

Among the examples of public assistance to segregation academies are:

-- in Lauderdale County, Tennessee, recipient of a $65,000 grant, a relatively new black public school was closed in 1969, and the building has since been sold at "token cost" to the operators of a private school.

-- in Thomas County, Georgia, recipient of a $36,000 grant, the school board leased a public school building to the Thomasville City school district, itself the recipient of a $69,000 ESAP grant, which in turn leased it to Meigs Academy for one dollar a year.

-- in several Mississippi districts receiving ESAP, Claiborne, Jefferson, Scott and Smith Counties, school officials have provided textbooks to private schools, apparently at the direction of the State Department of Education. A similar incident was reported by the press in Jackson, Mississippi, shortly after that district received its $1.3 million ESAP grant; state and local officials

admitted that textbooks had been loaned to the private academies, but justified it on the ground that the books were owned by the State Department of Education, and the ESAP Regulations applied only to aid by local school systems.

-- in Hinds County, Mississippi, recipient of a $190,000 grant, public school buses with markings from several Mississippi districts, including Hinds County and Jackson, have been observed transporting children to private schools.

C. CONCLUSION

A large proportion of the ESAP-funded districts that we monitored are engaged in discriminatory practices specifically prohibited by the Regulations. In most instances, these practices also violate Title VI, and should bar all federal financial assistance to those districts.

In several reports, the use of ESAP money to subsidize school districts engaging in widespread racial discrimination is worse than the familiar failure to enforce Title VI.

First, it amounts to a fraud upon Congress. The

Secretary of HEW explicitly promised a Senate committee that Title VI would be strictly enforced in the administration of this program. Secretary Finch's words are worth quoting again:

> "We, under no circumstances, will fund districts out of compliance with Title VI -- those who fire or demote anyone on the basis of race or with segregated classrooms or other basic things that you mentioned."

Second, making ESAP grants to districts engaged in these discriminatory practices amounts to HEW's acquiescence in fraud perpetrated by local school officials. The ESAP Regulations were carefully drafted to require that each applicant guarantee that it would <u>not</u> engage in the practices prohibited by those Regulations -- among them racial discrimination in the hiring, firing, promotion and demotion of staff; the racially imbalanced assignment of staff within the school system; the use of devices, including testing, which lead to racial isolation of children within the school; and aid to private schools which practice racial discrimination. These assurances have been breached by a clear majority of ESAP grant recipients.

Finally, while it is always deplorable for the federal government to subsidize public agencies engaged in racial

discrimination, it is worse when funds designed to facilitate the process of school desegregation are granted to districts openly and flagrantly pursuing racist policies which insult and degrade black children.

RECOMMENDATIONS

In this report, we have documented widespread misuse ESAP funds and discrimination against black children in ESAP recipient districts. This is unconscionable in any federal program; it is particularly so in a program designed to help bring an end to discrimination and promote equality of educational opportunity.

It is imperative that responsible federal officials act without delay to retrieve what remains of ESAP. It is still possible to correct some of the mistakes because no ESAP-assisted district has received more than 25 percent of its grant.

Therefore, we recommend:

-- That the Secretary of HEW immediately conduct civil rights compliance reviews and terminate ESAP funds to districts which are engaging in discriminatory practices. Moreover, efforts should be made to recover ESAP money already given to these districts;

-- That HEW undertake now a detailed review of all ESAP grant applications which have been approved. In cases where the grants are not being used to contribute to the desegregation process, funding should be discontinued;

-- That priority be given to the distribution of the ESAP funds reserved for private groups.

FOOTNOTES

CHAPTER I

1. The emergency funds for ESAP were appropriated under authorizations granted in six statutes: the Educational Professions Development Act, Part D (20 U.S.C. 1119-1119a); The Cooperative Research Act (20 U.S.C. 331-332b); the Civil Rights Act of 1964, Title IV (42 U.S.C. 2000c-2000c-9); the Elementary and Secondary Education Act of 1965, section 807 (20 U.S.C. 887); the Elementary and Secondary Education Amendments of 1967, section 402 (20 U.S.C. 1222); and the Economic Opportunity Act of 1964, Title II (42 U.S.C. 2781-2837).

2. Hearings on the administration's proposal were held before the Subcommittee on Education of the Senate Committee on Labor and Public Welfare ("Pell Hearings"), on June 9 and June 30, 1970; and before the Senate Select Committee on Equality of Educational Opportunity ("Mondale hearings"), on June 16, 22 and 24, 1970. The concerns noted in the text were expressed by Senators Mondale and Kennedy at the June 9 Pell hearing, by Winifred Greene and M. Hayes Mizell of the American Friends Service Committee and Melvyn Leventhal of the NAACP Legal Defense Fund at the Mondale hearings, and by Marian Wright Edelman of the Washington Research Project at the Pell hearings.

3. Pell hearings, at page 57 (printed record).

4. Pell hearings, at page 53.

5. P.L. 91-380. "Emergency School Assistance. For assistance to desegregating local educational agencies as provided under Part D of the Educational Professions Development Act (Title V of the Higher Education Act of 1965), the Cooperative Research Act, title IV of the Civil Rights Act of 1964, section 807 of the Elementary and Secondary Education Amendments of 1965, section 402 of the Elementary and Secondary Amendments of 1967, and title II of the Economic Opportunity Act of 1964, as amended, including necessary administrative expenses therefor, $75,000,000: Provided, That no part of any funds appropriated herein to carry out programs under title II of the Economic Opportunity Act of 1964 shall be used to calculate the allocations and proration of allocations under section 102 (b) of the Economic Opportunity Amendments of 1969: Provided further, That no part of the funds contained herein shall be used (a) to assist a local educational agency which engages, or has unlawfully engaged, in the

gift, lease or sale of real or personal property or services to a nonpublic elementary or secondary school or school system practicing discrimination on the basis of race, color, or national origin; (b) to supplant funding from non-Federal sources which has been reduced as the result of desegregation or the availability of funding under this head; or (c) to carry out any program or activity under any policy, procedure, or practice that denies funds to any local educational agency desegregating its schools under legal requirement, on the basis of geography or the source of the legal requirement.

6. 45 C.F.R. Part 181.2 The Emergency School Assistance Program Regulations are to be found at 45 C.F.R. Part 181. They are cited herein as Regs.

7. Regs. 181.10.

8. Regs. 181.4(c)-(d).

9. Regs. 181.6(a)(4)(D)-(G).

10. Regs. 181.6(a)(4)(B)(ii).

11. Regs. 181.7.

12. Regs. 181.8.

13. Regs. 181.3(b)-(c).

14. The Division of Equal Educational Opportunity administers the program of federal grants, authorized by Title IV of the Civil Rights Act of 1964, to provide technical assistance to school districts undergoing desegregation.

15. These accounts of the meetings between Title IV officials and local school officials are based on reports by staff members of the American Friends Service Committee and the Washington Research Project, who attended meetings held in Alabama, Louisiana, Texas and Virginia.

16. At a meeting between Title IV officials and local school officials, held August 24, 1970 in Austin, Texas, and attended by a member of the Washington Research Project staff, a Texas state education official stated that Title IV officials had told him that they expected that most of the money set aside for grants to private groups would not be spent for that purpose, but would be reallocated for use by school officials.

CHAPTER II

1. Regs. 181.3(a)(1) and 181.7(b)(1).

2. Regs. 181.7(b)(1)-(2).

3. Examples of such uses were found in the following Georgia applications: Berrien County, Lee County, Madison County, Monroe County, Oconee County, Oglethorpe County, Toombs County, Wheeler County.

CHAPTER III

1. Our monitoring effort is described in more detail in Appendix A.

2. We have not included the extensive reports received of other racially discriminatory practices not explicitly prohibited under government interpretation of Title VI or under the ESAP Regulations, even though we believe that these practices constitute violations of Title VI, and hence should rule out all federal financial assistance for these districts. Among these practices are segregation of students by sex, when initiated with desegregation; the abandonment of extra-curricular activities, especially dances, student clubs, and student government activities, when the schools are integrated; the use in integrated schools of racially insulting symbols, such as Confederate flags, nicknames such as "Rebels" for school teams, the playing of "Dixie" by school bands at sporting events; discriminatory treatment of black students in school discipline; and the consistent use of abusive racial epithets by teachers and administrators. We do not mean to downgrade the importance of these abuses by omitting them from this study; indeed they have been the

source of much of the anger and frustration felt by black students and parents in "integrated" schools this year. We plan a full exposition of these problems and other matters in the complete report of our monitors effort.

3. A list of the ESAP districts in which violations were found, under each of the categories we have considered, is included in Appendix C-I.

4. Regs. 181.6(a)(4)(G).

5. Regs. 181.6(a)(4)(F).

6.

7. Regs. 181.6(a)(4)(E).

8. Regs. 181.6(a)(4)(D).

APPENDIX A

A DESCRIPTION OF THE SCHOOL DESEGREGATION MONITORING PROJECT

With the assistance of students from Bishop College (Dallas, Texas), Fisk University (Nashville, Tennessee), and Virginia State University (Petersburg, Virginia) and staff of the Urban Coalition, the organizations responsible for this report monitored some 467 school districts in eleven southern states (as part of a larger study of the desegregation process in the South this fall). We attempted to monitor all the districts undergoing terminal desegregation during 1970-71 school year, either under voluntary plans approved by HEW or under court orders entered in cases instituted by the United States. This excluded many districts eligible for ESAP grants: districts with 1968-69 or 1969-70 terminal desegregation plans, and districts with 1970-71 terminal plans imposed by court order in cases with private plaintiffs. We did monitor 79 districts in Alabama which are under court order in a case brought by private plaintiffs, and in which the United States has intervened as co-plaintiff. The 467 districts monitored include 295 of the 722 which had received ESAP grants by October 30, 1970.

The monitoring effort was largely carried out between September 18 and September 27, 1970, under the direction of staff employees of the organizations which have prepared this report. The largest group of monitors were volunteer lawyers, working under the auspices of the Lawyers' Committee for Civil Rights Under Law. Other monitors included the staffs of the sponsoring organizations, college students, and in some instances citizens resident in the districts in question who have been involved with school issues in that district. All monitors used a uniform information form, drawn up by the sponsoring organizations, to record the data they collected. Monitoring activities in each state were coordinated by an individual with long experience both in school desegregation issues and in working with southern communities. Each state coordinator conducted a training session for the monitors working within his state before they went into the field. Great stress was placed upon techniques of objective data collection, with emphasis on interviewing persons with different points of view in the community, blacks and whites, school administrators, principals, teachers, parents and students. In each case, monitors were instructed to seek an appointment with the school superintendent or his representative, and to attempt to obtain access to official school records of student and faculty assignment and similar hard data. In

reporting information, monitors were instructed to distinguish between rumors and "what everybody knows" on the one hand, and eyewitness reports and data from official records on the other.

We gathered the facts as they were in late September; our resources have not permitted updating of our information. Thus in some districts, conditions and practices reported here may have been corrected by the time this report appears. On the other hand, illegal practices may have arisen in other districts since our monitors visited them.

In analyzing reports, we have listed as "clear violations" of applicable legal standards only cases in which facts related to our monitors, based on the first-hand knowledge of the relator, established illegality. Where our monitors obtained only second-hand reports of facts supporting a charge of a violation, or where the facts related suggest but do not compel an interference of racial discrimination, we have listed the case as questionable.

APPENDIX B

LIST OF 368 APPROVED ESAP APPLICATIONS REVIEWED

Alabama

Alexander City Board of Education

Andulusia City

Auburn City Schools

Baldwin County Board of Education

Brewton City Schools

Butler County Board of Education

Clay County Board of Education

Conecuh County Board of Education

Dale County Board of Education

Decatur City Schools

Demopolis City Schools

Dothan City Board of Education

Elba City Board of Education

Eufaula City Board of Education

Fairfield City Board of Education

Lamar County Board of Education

Lanette City Schools

Lee County Board of Education

Limestone County Board of Education

Monroe County Board of Education

Randolph County Board of Education

Russell County Board of Education

St. Clair County Board of Education

Sylacauga City Board of Education

Troy City Board of Education

Arkansas

Ashdown School District #31

Camden School District #35

Crossett School District #52

Eudora Special School District

Monticello School District #18

Newport Special School District

Prescott School District #14

Saratoga School District #11

Florida

Alachua County School Board

Bradford County School Board

The School Board of Brevard County

Calhoun County School Board

Collier County School Board

Columbia County School Board

Dade County Public Schools

Duval County School Board

Flagler County School Board

Gadsden County Public School System

Florida continued

Glades County School Board

Gulf County School Board

Hamilton School Board

District School Board of Hendry County

District School Board of Hernando County

Highlands County School Board

Hillsborough County Board of Public Ins.

Indian River County School Board

Jackson County School Board

Jefferson County School Board

Lafayette County School Board

District School Board of Lake County

District School Board of Lee County

District School Board of Madison County

Martin County Board of Public Ins.

Nassau County Board of Public Ins.

Board of Public Ins. of West Palm Beach County

The School Board of Pinellas County

District School Board of Putnam County

Seminole County District School Board

St. Johns County School Board

Sumter County School Board

Suwannee County School Board

Taylor County School Board

Walton County BPI

Washington County School District

Georgia

Appling County Board of Education

Atkinson County Board of Education

Baker County Board of Education

Baldwin County Board of Education

Barrow County Board of Education

Ben Hill County Board of Education

Berrien County Schools

Bibb County Board of Education

Bleckley County Board of Education

Brooks County Schools

Bryan County Board of Education

Buford City System

Burke County Board of Education

Butts County School System

Calhoun County Board of Education

Camden County Board of Education

Candler County Board of Education

Carroll County Board of Education

Carrollton County Board of Education

Cartersville School Board

Clarke County School District

Clay County Board of Education

Clinch County Board of Education

Cochran City Schools

Coffee County Board of Education

Columbia County Board of Education

Georgia Continued

Cook County Board of Education

Coweta County School System

Crawford County Board of Education

Crisp County School System

Decatur County Board of Education

City Schools of Decatur

DeKalb County School System

Dodge County Board of Education

Dooly County Board of Education

Douglas County Board of Education

Dougherty County School System

Dublin City Board of Education

Early County Board of Education

Echols County Board of Education

Effingham County Board of Education

Fayette County Board of Education

Fitzgerald City Board of Education

Franklin County Board of Education

Gainsville City Board of Education

Glynn County Board of Education

Grady County Board of Education

Griffin-Spalding County Board of Education

Hall County Board of Education

Haralson County Board of Education

Hart County Board of Education

Hawkinsville City School System

Heard County Board of Education

Henry County Board of Education

Hogansville County Schools

Houston County Schools

Jasper County Schools

Jeff Davis County Schools

Jefferson County Schools

Jones County Schools

LaGrange Public Schools

Lamar County Board of Education

Lanier County Board of Education

Laurens County School System

Lee County School System

Liberty County School System

Lincoln County Board of Education

Lowndes County Board of Education

Macon County Board of Education

Madison County Board of Education

Marietta City Schools

McDuffie County Board of Education

McIntosh County Board of Education

Meriwether County Board of Education

Miller County Board of Education

Monroe County Board of Education

Montgomery County Board of Education

Morgan County Board of Education

Newton County Board of Education

Georgia continued

Oconee County Board of Education

Oglethorpe County Board of Education

Peach County Board of Education

Pelham Board of Education

Pierce County Board of Education

Pike County Board of Education

Polk County School District

Quitman County Board of Education

Randolph County Board of Education

Rome Board of Education

Screven County Board of Education

Stephens County Board of Education

Stewart County Board of Education

Sumter County Board of Education

Talbot County Board of Education

Taliaferro County Board of Education

Tift County Board of Edication

Toombs County Board of Education

Treutlen County Board of Education

Turner County Board of Education

Twiggs County Board of Education

Walker County Board of Education

Vidalia City Board of Education

Walton County Board of Education

Warren County School System

Washington County Board of Education

Waycross Public Schools

Georgia continued

Wayne County Board of Education

West Point Public Schools

Wheeler County Board of Education

Wilcox County Board of Education

Wilkes County Board of Education

Wilkinson County Board of Education

Winder City Board of Education

Kentucky

Jefferson County Public Schools

Paducah Ind. School District

Maryland

Prince George's County Public Schools

Mississippi

Amite County Schools

Amory Public Schools

Attala County School District

Baldwin Separate School District

Bay St. Louis Separate School District

Benton County Schools

Bolivar County School District #1

Brookhaven Municipal Separate School District

Choctaw County School District

Claiborne County Schools

Clay County Board Board of Education

Copiah County School District

Covington County Schools

DeSoto County Schools

Forest Separate School District

Franklin County Board of Education

Greene County Schools

Greenwood Municipal Separate School District

Hattiesburg Public Schools

Hinds County Public Schools

Itawamba County Schools

Jackson Municipal Separate School District

Jefferson County Schools

Kosciusko Municipal Separate School District

Lafayette County Board of Education

Laurel Municipal Separate School District

Leake County School Board

Lee County School District

Leflore County School District

Louisville Municipal, ISD

Lumberton Line Consolidated School District

Madison County Schools

Marion County Schools

Marshall County Schools

McComb Municipal Separate School District

Monroe County Schools

Montgomery County School System

New Albany Municipal Separate School District

Newton County Unit

Newton Special Municipal Separate School District

North Pike Consolidated School District

Noxubee County Schools

Ocean Springs Municipal Separate School District

Oktibbeha County Schools

Pascagoula Municipal Separate School District

Pass Christian School District

Poplarville Special Municipal Separate School District

Prentiss County Schools

Rankin County Schools

Richton Municipal Separate School District

Scott County Unit

Smith County Schools

Starkville Municipal Separate School District

South Pike County Consolidated School District

South Tippah Consolidated School District

Tupelo Municipal Separate School District

Union Municipal Separate School District

Water Valley Line Consolidated School District

Walthall County School System

Webster County School District

Winona Municipal Separate School District

Yazoo City Municipal Separate School District

Greenville Municipal Separate School District

North Carolina

Anson County

Camden County

Caswell County

Clinton City

Craven County

Durham County

Elm City

Greene County

Greenville City

Hoke County

Iredell County

Johnston County

Kings Mountain City

Lexington City

Martin County

Monroe City

Person County

Robeson County

Rockingham County

Sampson County

Shelby City

Stanly County

Thomasville Board of Education

Wayne County

Wilson County

Oklahoma

Beggs Public Schools

Chickasha Public Schools

Gutherie Independent School District #19

McAlester Public Schools

Muskogee City

Okmulgee Public Schools

South Carolina

Abbeville County #60

Aiken County (Consolidated) School District

Allendale County #1

Anderson County #1

Bamburg School District #1

Berkeley County School District

Charleston County

Darlington County

Dillon School District #2

Fairfield County

Florence County #1

Florence County #2

Florence County #5

Greenwood School District #50

Greenwood County #52

Hampton North #1

Hampton County #2

South Carolina continued

Horry County

Kershaw County

Lancaster County

Lee County

Marion County #3

Newberry County

Oconee County

Orangeburg County #4

Orangeburg County #5

Orangeburg County #6

Orangeburg County #7

Richland County #2

Union County

York County #4

Tennessee

Alamo City

Bells City

Chester County

Cleveland City

Covington City

Gibson County

Hardeman County

Henderson County

Hickman County

Humboldt City

Jackson City

Lake County

Tennessee continued

Lauderdale County

Metropolitan Public Schools - Nashville (Davidson County)

Lebanon City

Madison County

McNairy County

Maury City

Milan City

Murfreesboro City

Robertson County

Shelby County

Tipton County

Trousdale County

Union City

Williamson County

Wilson County

Texas

Center ISD

Cypress - Fairbanks ISD

Galena Park ISD

Groesbeck ISD

Hemphill ISD

Jasper ISD

Kaufman ISD

LaMarque ISD

Texas continued

Liberty ISD

Malakoff ISD

New Diana ISD

Pittsburg County - Line Consolidated ISD

Smithville ISD

Wichita Falls ISD

West Sabine ISD

Virginia

Bedford County

Buckingham County

Charlotte County

Glouchester County

Halifax County

Isle of Wight County

Louisa County

Matthews County

Nelson County

Norfolk City

Northampton Schools

Powhatan County

Prince George County

South Boston City

Suffolk City

Westmoreland - Colonial Beach Schools

APPENDIX C

SCHOOL DISTRICTS RECEIVING ESAP FUNDS THAT ARE VIOLATING
THEIR HEW OR COURT ORDERED DESEGREGATION PLAN

	Clear Violations	Questionable Violations
Alabama	Demopolis City Troy City	Barbour County
Florida	Gadsden County Pinellas County St. Johns County	Orange County
N. Carolina	Martin County Vance County	
S. Carolina	Fairfield County Florence County #1 McCormick County Orangeburg County #3 Sumter County #17	Lee County
Tennessee		Lauderdale County

APPENDIX D

DISTRICTS WITH CLASSROOM SEGREGATION

	Clear Violations	Questionable Violations
Alabama	Baldwin County	Elba City
	Barbour County	
	Butler County	
	Choctaw County	
	Conecuh County	
	Coosa County	
	Decatur City	
	Demopolis City	
	Enterprise City	
	Eufala City	
	Montgomery County	
	Monroe County	
	Pike County	
	Selma City	
	Troy City	
	Walker County	
Arkansas	Crawfordsville	Bright Star
	England	Helena - W. Helena
	Plum Bayou	Lonoke
	Stuttgart	
Florida	Baker County	Escambia
	Flagler County	
	Jefferson County	
	Lake County	
	Pinellas County	
	Seminole County	
	St. Johns County	
	Sumter County	
Georgia	Brooks County	Candler County
	Calhoun County	Echols County
	Clay County	Hancock County
	Crawford County	Screven County
	Early County	Stephens County - Toccoa
	Jefferson County	Thomas County
	Johnson County	Thomasville City

	Clear Violations	Questionable Violations
Georgia continued	Lowndes County	Turner County
	McDuffie County	Wheeler County
	Meriwether County	
	Miller County	
	Monroe County	
	Pelham City	
	Putnam County	
	Sumter County	
	Toombs County	
	Treutlen County	
	Twiggs County	
	Vidalia City	
	Warren County	
	Washington County	
	Waycross City	
	Wilkes County	
	Wilkinson County	
Mississippi	Jones County	Choctaw County
	Kociusko MS	
	McComb MS	
	South Pike	
N. Carolina	Gates County	
	Hertford County	
	Martin County	
	Richmond County	
	Union County	
	Vance County	
S. Carolina	Aiken County	
	Berkeley County	
	Charleston County	
	Chester County	
	Dillon County #2	
	Dillon County #3	
	Edgefield County	
	Kershaw County	
	Lee County	
	Marlboro County	
	McCormick County	
	Newberry County	
	Orangeburg County #2	
	Orangeburg County #3	
	Orangeburg County #6	
	Sumter County #17	
	Union County	

	Clear Violations	Questionable Violations
Tennessee	Gibson County Humboldt City Lake County Lauderdale County Union City	
Texas	Carthage Crosby Cypress - Fairbanks Jefferson San Augustine Tyler	West Orange - Cove Crockett Palestine
Virginia	Southampton County	

APPENDIX E

DISTRICTS WITH SEGREGATION IN OTHER FACILITIES

	Clear Violations	Questionable Violations
Alabama	Alexander City	
Georgia	Atkinson County Fitzgerald City	
N. Carolina	Martin County	
S. Carolina	Union County	
Tennessee	Gibson County	
Texas	Jefferson	

APPENDIX F

DISTRICTS WITH SEGREGATED TRANSPORTATION

	Clear Violations	Questionable Violations
Alabama	Baldwin County Butler County Choctaw County Monroe County Opelika City Tallapoosa County	
Arkansas	Eudora	Emmet
Florida	Jackson County Jefferson County Pinellas County Seminole County	Bradford County Sumter County Taylor County
Georgia	Americus City Atkinson County Baker County Calhoun County Clay County Dodge County Early County Echols County Grady County Johnson County McDuffie County Miller County Mitchell County Monroe County Pelham City Randolph County Toombs County Treutlen County Turner County Warren County Washington County Wilcox County Wilkes County Wilkinson County	Clinch County Fitzgerald City Laurens County Twiggs County Wheeler County

	Clear Violations	Questionable Violations
Mississippi	Claiborne County Jones County South Pike	
S. Carolina	Florence County #1 Greenwood County #52 Kershaw County Orangeburg County #6 Union County	
Tennessee	Brownsville - Haywood	Alamo City
Texas	Cypress -Fairbanks Jefferson San Augustine	

APPENDIX G

DISTRICTS WITH RACIALLY IDENTIFIABLE FACULTIES

	Clear Violations	Questionable Violations
Alabama	Brewton City Connecuh County Monroe County Montgomery County Opelika City Pike County Walker County	
Arkansas	Ashdown Camden Elaine Helena-W. Helena Holly Grove Hot Springs Parkin Speeial Stephens	Lonoke
Florida	Flagler County Jefferson County	
Georgia	Americus City Atkinson County Brooks County Bryan County Charlton County Decatur County Elbert County Fitzgerald City Grady County Hancock County Hart County Henry County Jefferson County Tift County Warren County Washington County Waycross City Wilcox County Wilkes County	McIntosh County
Mississippi	DeSoto County Jones County South Pike Tupelo MS	
N. Carolina	Hertford County Martin County Richmond County Rutherford County Shelby City Weldon City	

	Clear Violations	Questionable Violations
S. Carolina	Aiken County Berkeley County Edgefield County Fairfield County Florence County #1 Laurens County #55 Marion County #3 Marlboro County Pickens County	Charleston County Lee County
Tennessee	Humboldt City	
Texas	Crosby Waskom West Orange - Cove	
Virginia	Nansemond County Suffolk City Westmoreland County	

APPENDIX H

SCHOOL DISTRICTS WHERE THERE IS DISCRIMINATION AGAINST BLACK TEACHERS AND STAFF

	Clear Violations	Questionable Violations
Alabama	Baldwin County	Andalusia City
	Barbour County	Anniston City
	Calhoun County	Alexander City
	Choctaw County	Covington County
	Conecuh County	Decatur City
	Dale County	Demopolis City
	Elba City	Dothan City
	Enterprise City	Lanette City
	Eufaula City	Montgomery County
	Gadsden City	Opelika City
	Limestone County	Ozark City
	Monroe County	Randolph County
	Pike County	St. Clair County
	Selma City	Tuscaloosa City
	Tallapoosa County	
	Troy City	
	Walker County	
Arkansas	Ashdown	Arkansas City
	England	Bright Star
	Forest City	Camden
	Helena-W. Helena	Dermott
	Hope	Desha-Drew
	McGehee	Emmet
	McNeil	Holly Grove
	Stuttgart	Hot Springs
	Texarkana	Newport
		Parksdale
		Parkin Special
		Plum Bayou
		Portland
		Saratoga
		Stephens
Florida	Baker County	Bradford County
	Columbia County	Hernando County
	Escambia County	Taylor County
	Flagler County	Sumter County
	Gadsden County	
	Jackson County	
	Jefferson County	
	Lake County	
	St. Johns County	
	Wakulla County	

	Clear Violations	Questionable Violations
Georgia	Coweta County	Appling County
	Dodge County	Baker County
	Early County	Butts County
	Elbert County	Calhoun County
	Fitzgerald City	Camden County
	Johnson County	Candler County
	Lowndes County	Charlton County
	Miller County	Clinch County
	Mitchell County	Colquitt County
	Monroe County	Cook County
	Putnam County	Crawford County
	Quitman County	Crisp County
	Randolph County	Echols County
	Sumter County	Grady County
	Troup County	Greene County
	Turner County	Griffin-Spaulding County
	Washington County	Hart County
	Waycross City	Jeff Davis County
	Wilkes County	Jefferson County
		Jones County
		Laurens County
		Macon County
		Marietta City
		McDuffie County
		McIntosh County
		Meriwether County
		Monroe County
		Newton County
		Peach County
		Pelham City
		Screven County
		Seminole County
		Stephens County-Toccoa City
		Telfair County
		Thomas County
		Thomaston City
		Tift County
		Toombs County
		Treutlen County
		Twiggs County
		Warren County
		Wayne County
		Winder City
		Worth County
		Lee County
N. Carolina	Iredell County	Fairmont City
	Martin County	Gaston County
	Richmond County	Gates County
	Shelby City	Hertford County
	Vance County	Hyde County
		Robeson County
		Scotland County-Laurinburg
		Union County

	Clear Violations	Questionable Violations
Mississippi	Jones County Kociusko MS Laurel MS Smith County	Claiborne County Newton MS McComb MS Noxubee County
S. Carolina	Aiken County Barnwell County #45 Charleston County Chester County Dillon County #2 Florence County #5 Greenville County Greenwood County #52 Horry County Kershaw County Laurens County #55 Marion County #4 McCormick County Newberry County Pickens County Saluda County Union County York County #2 York County #3	Abbeville County Anderson County #1 Anderson County #2 Berkeley County Dillon County #1 Edgefield County Florence County #1 Lee County Marlboro County Oconee County Orangeburg County #3 Orangeburg County #4 Orangeburg County #5 Orangeburg County #6 Orangeburg County #8 Richland County #2 York County #1
Tennessee	Brownsville-Haywood Humboldt City Lauderdale County	Chester County Gibson County Hardeman County Lake County Maury City
Texas	Carthage Center Crockett Cypress-Fairbanks Gilmer Jefferson Marshall Shelbyville Tyler Waskom West Orange-Cove	Chapel Hill Crosby Kilgore LaMarque Lufkin San Augustine Texarkana
Virginia	Suffolk City	Nansemond County Prince George County Southampton County Westmoreland County

APPENDIX I

DISTRICTS WITH PUBLIC AID TO SEGREGATION ACADEMIES

	Clear Violations	Questionable Violations
Alabama	Monroe County Russell County Tallapoosa County	
Arkansas		Crawfordsville
Florida	Gadsden County Jackson County	Jefferson County
Georgia	Americus City	Baker County Crisp County Decatur County Dooly County Early County Greene County Hancock County Lamar County Lee County Mitchell County Randolph County Screven County Sumter County Thomas County Thomasville City Tift County Wilkes County Wilkinson County
Mississippi	Claiborne County Hinds County Jefferson County Scott County Smith County	
S. Carolina		Coosa County Demopolis City Dillon County #1 Dillon County #2 Dillon County #3

	Clear Violations	Questionable Violations
S. Carolina continued		Edgefield County Fairfield County Greenwood County #50 Greenwood County #52 Lee County Marlboro County McCormick County Orangeburg County #3 Orangeburg County #5 Troy City
Tennessee	Covington City Lauderdale County	Hardeman County Robertson County
Texas		Marshall Jefferson